IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4865 of 2005

Between:

Arumbaka Prasad Rao, s/o Arumbaka Anand rao,
CBCNC Elementary School, Marriwada,

Pamidimukkala Mandal, Krishna District,
r/o Marriwada, Krishna District.

..... PETITIONER

AND

1 The District Educational Officer, Krishna District at Machilipatnam.
2 CBCNC Aided Elementary School rep., by its Correspondent,

Marriwada (East Vuyyuru Field-I),
Pamidimukkala Mandal, Krishna District.
3 Mandal Educational Officer, Pamidimukkala Mandalam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction(s) essentially in the nature of writ of mandamus as under a) declare the action of the 1st respondent in not paying the aided salary to the writ petitioner as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India; b) direct the respondents to pay aided salaries to the petitioner on a month-to-month basis and pass any such other orders or orders as this Hon'ble Court may deem fit, proper and necessary in the circumstances of the case.

Counsel for the Petitioner: MR.ABHINAND KUMAR SHAVILI

Counsel for the Respondent Nos.1 and 3: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following:

ORDER:

Declaring the action of the 1st respondent in not paying the aided salary to the petitioner, as illegal and arbitrary, and for consequential direction to the respondents to pay aided salaries to the petitioner on a month-to-month basis, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader for School Education.

In fact, the petitioner was not admitted in grant-in-aid post. The 2nd respondent submitted proposals to the 1st respondent-District Educational Officer, Krishna District on 05.08.2004, with a request to permit the petitioner for absorption into the existing retirement vacancy, and to issue proper approval orders. The 1st respondent has to take appropriate decision pursuant to the proposals submitted by the 2nd respondent.

Therefore, without entering into the merits of the case, the 1st respondent is directed to take appropriate decision on the proposals submitted by the 2nd respondent, dated 05.08.2004, and pass necessary orders thereon, in accordance with rules, within a period of two months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 06.04.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The District Educational Officer,

Krishna District at Machilipatnam

2. The Correspondent,

CBCNC Aided Elementary School,

Marriwada (East Vuyyuru Field-I)

Padmidimukkala Mandal, Krishna District

3. The Mandal Educational Officer,

Pamidimukkala Mandalam,

Krishna District

4. Two CCs to the Government Pleader

for School Education, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies